

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RANDALL HUGHES,

Defendant.

4:18-CR-3004

ORDER

This matter is before the Court on the defendant's motion for a presentence study of the defendant pursuant to [18 U.S.C. § 3552\(b\) and \(c\)](#) ([filing 47](#)). The defendant has been advised that if his request is granted, he will be transported from the District of Nebraska for the study and his sentencing will likely be delayed. The defendant nonetheless requests the presentence study. The government does not oppose the motion.

Accordingly, the Court will order that the presentence study be done. The defendant is facing sentencing on two counts of producing child pornography, and the parties' 11(c)(1)(C) plea agreement proposes a sentence of no less than 30 years and no more than 50 years in prison. *See* [filing 41](#). The defendant is 58 years old. [Filing 8](#). The Court requires more information about the defendant's mental condition in order to determine the appropriate sentence pursuant to [18 U.S.C. § 3553\(a\)](#) and assess whether the defendant needs medication and therapeutic treatment while incarcerated and whether certain types of prison facilities are suitable for the defendant's well-being.

Under the facts presented, the Court specifically finds, pursuant to § 3552(b), that there is a compelling reason for a presentence study to be performed by the Bureau of Prisons.

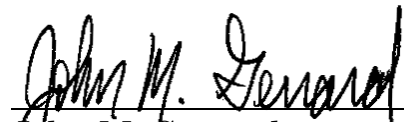
IT IS ORDERED:

1. The defendant's motion for a presentence study ([filing 47](#)) is granted.
2. Pursuant to [18 U.S.C. § 3552\(b\) and \(c\)](#) and [18 U.S.C. § 4244\(b\)](#), the Bureau of Prisons shall evaluate the defendant and advise the Court, in writing, regarding:
 - a. The defendant's present mental condition;
 - b. The defendant's likely ability to function in a traditional prison environment;
 - c. Whether the Bureau of Prisons can provide the defendant with appropriate medication and mental health treatment if he is incarcerated, including consideration of whether such treatment would be available if the defendant's condition requires him to be kept in protective custody;
 - d. The sentencing alternatives that could best accord the defendant the kind of treatment he needs; and
 - e. Any other matters that the Bureau of Prisons believes to be pertinent to the factors set forth in [18 U.S.C. § 3553\(a\)](#).
3. The Bureau of Prisons' report shall be completed within the time provided by § 3552(b), including reasonable extensions of time.

4. The Clerk of the Court shall set a case management deadline for August 27, 2018 with the following docket text: Check for Bureau of Prisons presentence study.
5. The U.S. Probation and Pretrial Services officer assigned to this case shall gather all the pertinent mental health and medical records and provide them to the Bureau of Prisons, and the officer shall facilitate the implementation of this Order and coordinate this case with the Bureau of Prisons.
6. The sentencing schedule ([filing 43](#)) is set aside and the sentencing hearing is continued until further order of the Court. Upon receiving the report from the Bureau of Prisons, the Court will establish a new sentencing schedule.
7. Copies of this order shall be provided to counsel of record, the United States Marshal, and the Office of Probation and Pretrial Services.
8. The United States Marshal shall maintain custody of the defendant, and advise the Bureau of Prisons of this Order.

Dated this 26th day of June, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge